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EVIDENCE — PROOF OF FOREIGN LAW — APPLICATION OF LEX FORI. — The plaintiff brought an action to recover for personal injuries suffered in Cuba through the defendant's negligence. There was no evidence of Cuban law. *Held*, that the plaintiff is not entitled to recover. *Cuba R. Co. v. Crosby*, U. S. Sup. Ct., Jan. 9, 1912.

The court holds that the law of the forum should not be applied, since there is no general presumption that the Cuban law is the same as the common law. This decision reverses the decision in the Circuit Court of Appeals, criticized in 23 HARV. L. REV. 64.

EXECUTION — REMEDY OF BONÂ FIDE PURCHASER OF PROPERTY TO WHICH JUDGMENT DEBTOR HAS NO TITLE. — The sheriff sold on execution two horses which were not the property of the judgment debtor. The owner successfully replevied the horses from the *bonâ fide* purchaser. *Held*, that the purchaser may recover from the judgment creditor in an action for money had and received. *Dresser v. Kronberg*, 81 Atl. 487 (Me.).

The doctrine of *caveat emptor*, admittedly applicable to execution sales, has appeared to text writers to be inconsistent with any right of recovery by the purchaser, even though he acquires absolutely no title. See FREEMAN, VOID JUDICIAL SALES, 4 ed., § 49; KLEBER, VOID JUDICIAL AND EXECUTION SALES, § 469. However, recovery from the judgment debtor is commonly allowed on the ground that the purchaser has paid money to the debtor's use by discharging his debt. *Julian v. Beal*, 26 Ind. 220; *M'Ghee v. Ellis*, 4 Litt. (Ky.) 244. Neither this nor the doctrine of the principal case, it is submitted, is inconsistent with the doctrine of *caveat emptor*. The right of the judgment creditor is against the debtor's property, and the writ is directed solely against such property. *Heberling v. Jaggard*, 47 Minn. 70, 49 N. W. 396; *Burwell v. Herron*, 16 So. 356 (Miss.). The purchaser relies on what is professed, namely, the sale of the debtor's right in the chattel. If the debtor has no right, then there is a total failure of consideration, and so the money paid is not properly applicable to the debt. The contrary view is inequitable toward the debtor because depressing prices at execution sales. The principal case provides for a wholly equitable result, for if recovery by the purchaser is allowed against the judgment creditor, the creditor may thereupon have his judgment against the debtor vacated and a new execution awarded on the ground that the debt has never been paid. *Magwire v. Marks*, 28 Mo. 193; *Bressler v. Martin*, 133 Ill. 278, 24 N. E. 518. But *cf. Thomas v. Glazener*, 90 Ala. 537, 8 So. 153. So, it seems, the principal case is correct. See *Sanders v. Hamilton*, 3 Dana (Ky.) 550, 552. *Contra, England v. Clark*, 5 Ill. 486; *Lewark v. Carter*, 117 Ind. 206, 20 N. E. 110. If, however, there are intervening circumstances making recovery inequitable, *e. g.* bankruptcy of the debtor, then the purchaser should not be allowed to recover.

HABEAS CORPUS — REVIEW OF HABEAS CORPUS PROCEEDINGS. — From an order in *habeas corpus* proceedings, discharging a prisoner, error was brought. *Held*, that the order is not reviewable. *Wisener v. Burrell*, 28 Okl. 546, 118 Pac. 999. See NOTES, p. 460.

HUSBAND AND WIFE — RIGHTS OF WIFE AGAINST HUSBAND AND IN HIS SEPARATE PROPERTY — RIGHT TO BE REIMBURSED FOR EXPENDITURES FOR NECESSARIES. — The plaintiff, a married woman, having been abandoned by her husband without just cause, and being unable to procure necessities on his credit, purchased them with the proceeds of her labor and of her separate estate. She sought to recover from her husband the amount so expended. *Held*, that the plaintiff can recover. *De Brauwere v. De Brauwere*, 203 N. Y. 460.